

REMARKS/ARGUMENTS

Claims 20, 23-25 and 38-63 are pending. By this Amendment, claims 26 and 27 have been canceled without prejudice or disclaimer. Claims 20, 23-25 and 38 have been amended. Claims 39-63 have been added.

Applicants thank the Examiner for conducting an interview on November 19, 2009. During the interview, the rejection of claim 26 in view of Official Notice and potential amendments to the independent claims were discussed.

Claims 20 and 38 stand rejected under 35 USC 102(b) as being anticipated by Churchill, U.S. Patent No. 7,461,022, claim 23 stands rejected under 35 USC 103(a) as being unpatentable over Churchill in view of Walker, U.S. Patent Publication No. 2002/0147663, claims 25-27 stand rejected under 35 USC 103(a) as being unpatentable over Churchill as applied to claim 23, and further in view of Fujiwara, U.S. Patent Publication No. 2001/0027433 and Gujral, U.S. Patent Publication No. 2002/0042769 and Applicant Admitted Prior Art (Official Notice taken in previous Office Action). These rejections are respectfully traversed.

Independent claims 20, 23, 24, 25 and 38 have been amended to recite “allowing a seller to issue a direct offer to sell to the user with the highest bid if the highest bid is less than a reserve price, and allowing the

seller to issue offers to sell to any bidders after a listing expiration.”
Applicants submit that none of the cited references teach or suggest this feature.

In the final Action, the Examiner rejected claim 26, which recited a feature similar to the above-quoted feature which has been added to the pending independent claims, in view of Official Notice taken that it was old and well known in the art at the time of the invention to offer sellers the ability to re-list an item for free if it does not sell during an allotted time. Applicants submit that this is not what is being claimed. Rather, this limitation allows the seller to directly issue a direct offer to sell the item to one the highest bidder if the reserve price is not met while the auction is still pending or to all bidders once the auction has ended. This is not the same as relisting the item in another auction if it does not sell. Applicants submit that none of the cited references, either alone or taken in combination, teach or suggest this feature.

Newly added claims 29-63 are allowable at least due to their respective dependencies.

All outstanding issues have been addressed and this application is in condition for allowance. Should any minor issues remain outstanding, the Examiner should contact the undersigned at the telephone number listed

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below so they can be resolved expeditiously without need of a further written action.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 referencing Attorney Docket No. 1266-27.

Respectfully submitted,

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